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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

STATE OF ARIZONA FILED

SEP 1 1 2019

In the Matter of:

EDNM FINANCIAL SERVICES LLC DBA EXPRESS INSURANCE CENTER

(National Producer Number 18588556)

HERNANDEZ, DYLIA DORIBEL (National Producer Number 18555269)

Respondents.

No. 19A-130-INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that EDNM Financial Services LLC dba Express Insurance Center ("Express") and Dylia Doribel Hernandez ("Hernandez") violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Respondents wish to resolve this matter without the commencement of formal proceedings, admit the following Findings of Fact are true and consent to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

- 1. Express is, and was at all material times, an Arizona business entity that is licensed as a property and casualty insurance producer. The Department issued Express a license, number 18588556, on October 29, 2017. The licensed is scheduled to expire on October 31, 2021.
- 2. Express' addresses of record with the Department are: 4301 S 6th Ave, Ste 117, Tucson, AZ 85714 (business), 316 N. Hasman Dr., Tucson, AZ 85745 and express@expressinsurancecenter.com (business e-mail).

- 3. Hernandez was, at all material times, licensed as an Arizona resident casualty and property insurance producer. The Department issued Hernandez a license, number 18555269, on October 5, 2017. The license is scheduled to expire on January 31, 2021.
- 4. Hernandez's addresses of record are: 4301 S. 6th Ave., Suite 117, Tucson,
 Arizona 85714 (business); 4048 S. 6th Ave., Tucson, Arizona 85714-1512 (mailing);
 express@expressinsurancecenter.com (business email).
- 5. Hernandez is a member of Express and its designated responsible licensed producer.

Bryon Banks Complaint

- 6. On or about August 24, 2018, Bryon Banks ("Banks") filed a complaint with the Department.
- 7. Banks alleged that, on or about July 30, 2018, he and another consumer, John Valenzuela ("Valenzuela"), purchased two automobile insurance policies from Marcela Marmolejo ("Marmolejo") of Express. Banks subsequently learned that Marmolejo was not licensed as an insurance producer.
- 8. On June 26, 2019, the Department conducted an Examination Under Oath ("EUO") with Marmolejo. She admitted selling both the Banks and Valenzuela automobile policies while unlicensed to sell insurance.
- 9. During the EUO, Marmolejo admitted that Hernandez was aware of these as well as other unlicensed transactions involving other consumers.
- 10. On June 26, 2019, the Department conducted an EUO with Hernandez. She admitted to having knowledge of Mamolejo's unlicensed activity.

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- 11. As the designated responsible licensed producer, Hernandez accepted full responsibility for Marmolejo's actions.
- 12. During the EUO, Hernandez admitted that she failed to notify the Department of a change in her address within thirty days¹.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. Hernandez's conduct, as described above, constitutes a violation of Title 20, within the meaning of A.R.S. § 20-295(A)(2).
- 3. Hernandez's conduct, as described above, constitutes failing to act on behalf of the business entity to report known violations to the Director and failing to take reasonable corrective action to remedy the violations, within the meaning of A.R.S. § 20-295(B)(2).
- 4. Hernandez's conduct, as described above, constitutes failing to inform the director in writing within thirty days of a change in the licensee's residential, business or email address, in violation of A.R.S. § 20-286(C).
- 5. Respondents' conduct, as described above, constitutes paying a commission to a person for selling, soliciting or negotiating insurance in this state if that person is required to be licensed and is not so licensed, in violation of A.R.S. § 20-298(A).
- 6. Grounds exist for the Director to deny, suspend for not more than twelve months, revoke or refuse to renew and insurance producer's license, within the meaning of A.R.S. § 20-295(A) and (B).

¹ Immediately following the EUO, Hernandez updated her mailing address with the Department's Licensing Division. Her previous address of record was 316 N. Hasman Drive, Tucson, AZ 85745.

1	7. Grounds exist, in addition to or instead of any suspension, revocation or refusal
2	to renew a license, for the Director to impose a civil penalty of not more than \$250.00 for each
3	unintentional failure or violation, up to an aggregate civil penalty of \$2,500.00, or impose a
4	civil penalty of not more than \$2,500.00 for each intentional failure or violation, up to an
5	aggregate penalty of \$15,000.00, or order the licensee to provide restitution to any party
6	injured by the licensee's action, pursuant to A.R.S. § 20-295(F).
7	ORDER
8	IT IS HEREBY ORDERED THAT:
9	1. EDNM Financial Services, LLC, National Producer Number 18588556, and
10	Dylia Doribel Hernandez, National Producer Number 18555269, shall immediately pay a civil
11	penalty of \$2,750 for deposit into the state general fund.
12	2. Respondents are jointly and severally responsible for payment of the civil
13	penalty.
14	DATED AND EFFECTIVE this day of
15	7//~
16	KEITH A. SCHRAAD

CONSENT TO ORDER

- Respondents have reviewed the foregoing Findings of Fact, Conclusions of Law 1. and Order.
- 2. Respondents admit the jurisdiction of the Director of Insurance, State of Arizona, and admit the foregoing Findings of Fact and consent to the entry of the foregoing Conclusions of Law and Order.

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- 3. Respondents are aware of their right to notice and to a hearing, at which they may be represented by counsel, present evidence and examine witnesses. Respondents irrevocably waive their right to such notice and hearing and to any court appeals relating to this Consent Order.
- Respondents state that no promise of any kind or nature whatsoever, except as 4. expressly contained in this Consent Order, was made to them to induce them to enter into this Consent Order and that they have entered into this Consent Order voluntarily.
- Respondents acknowledge that the acceptance of this Consent Order by the 5. Director is solely to settle this matter against them and does not preclude any other agency, officer, or subdivision of this state including the Department from instituting civil or criminal proceedings as may be appropriate now or in the future.
- Respondents acknowledge that this Consent Order is an administrative action 6. that the Department will report to the National Association of Insurance Commissioners (NAIC) and that they may have to report this administrative action on any future licensing applications either to the Department or other states' Departments of Insurance.
- Dylia Doribel Hernandez represents that she is a Member of EDNM Financial 7. Services, LLC and, as such, is authorized to enter into this Consent Order on its behalf.

EDNM Financial Services LLC (NPN License No. 18588556)

08/31/19Pate / 08/21/19

Dylia Doribel Hernandez, Member & DRLP

Dvlia Doribel Hernandez, NPN 18555269

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1	COPY of the foregoing mailed this
2	Dylia Doribel Hernandez
3	4048 S. 6 th Ave Tucson, AZ 85714-1512
4	Respondent
5	EDNM Financial Services LLC 4301 S. 6th Ave, Suite 117
6	Tucson, AZ 85714 Respondent
7	EDNM Financial Services, LLC
8	c/o Dylia Doribel Hernandez 4301 S. 6 th Ave., Ste. 117
9	Tucson, AZ 85714 Statutory Agent for Respondent EDNM Financial Services, LLC
10	
11	COPY of the foregoing delivered, same date, to:
12	Mary Kosinski, Regulatory Legal Affairs Officer Catherine M. O'Neil, Consumer Legal Affairs Officer Steven Fromholtz, Assistant Director, Consumer Protection Division
13	Sharyn Kerr, Administrative Assistant, Consumer Protection Division Aqueelah Currie, Licensing Supervisor
14	Jeff Eavenson, Investigator Arizona Department of Insurance
15	100 North 15th Avenue, Ste.102 Phoenix, Arizona 85007-2624
16	COPY sent same date via electronic mail to:
17	Dylia Doribel Hernandez
18	<u>express@expressinsurancecenter.com</u> doribelleh@gmail.com
19	Respondent
20	EDNM Financial Services, LLC express@expressinsurancecenter.com
21	Respondent
22	
23	Hancine Martinez Prancine Martinez